

# COUNCIL COMING ATTRACTIONS



## **Week of October 1, 2018**

**Farm Alcohol Production, Ten-Year Water Supply and Sewerage System Plan, Accessibility Tax Credit, Solar Collection Systems, Landscape Contractors, Carbon Monoxide Alarm, Clean Energy Program, Recordation Tax Rates, County Minimum Wage, Smoking in Outdoor Service Areas, WSSC Spending Control Limits, Bond Authorization, Bicycle Master Plan**



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

The Council meeting will begin at 9:30 a.m. on Tuesday, October 2.

## **Useful Information Week of October 1, 2018**

## COUNCIL

### **Bill 33-18, Environmental Sustainability – Commercial Property Assesses Clean Energy Program – Property Tax Surcharge**

At 10 a.m. on October 2 the Council will introduce Bill 33-18, Environmental Sustainability – Commercial Property Assesses Clean Energy Program – Property Tax Surcharge. Councilmember Roger Berliner is the lead sponsor. Councilmembers Sidney Katz and Marc Elrich are cosponsors. Bill 33-18 would require the County to add the property tax surcharge to the property tax bill within a certain timeframe. The goal of this legislation is to require the County to add the surcharge to the property tax bill the July 1 following the date of the clean energy loan financing agreement. A public hearing is tentatively scheduled for October 23 at 1:30 p.m. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_4A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_4A.pdf)

### **Bill 34-18, Human Rights and Civil Liberties – County Minimum Wage – Definitions – Employer**

The Council will introduce Bill 34-18, Human Rights and Civil Liberties – County Minimum Wage – Definitions – Employer. Council President Hans Riemer is the lead sponsor. Councilmember Tom Hucker is a cosponsor. Bill 34-18 would modify the definition of “employer” in the County’s minimum wage law, so that employers of “one or more persons in the County in addition to the owners” would be required to pay the County minimum wage. The bill does not change the rate of the minimum wage, nor does it change any of the scheduled increases under the existing law. The goal of the bill is to require payment of the County minimum wage to workers who are the sole employee of their employers and make the applicability of the County minimum wage consistent with the County Sick and Safe Leave law. A public hearing is tentatively scheduled for October 23 at 1:30 p.m. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_4B.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_4B.pdf)

### **Bill 35-18, Health and Sanitation – Smoking – Outdoor Serving Areas**

The Council will introduce Bill 35-18, Health and Sanitation – Smoking – Outdoor Serving Areas. Councilmember Sidney Katz is the lead sponsor. Council President Hans Riemer and Councilmembers Marc Elrich and Craig Rice are cosponsors. Bill 35-18 and the Board of Health regulation would prohibit smoking in certain outdoor serving areas. The goal of this bill is to protect the health of residents. A public hearing is tentatively scheduled for October 23 at 1:30 p.m. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_4C-6A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_4C-6A.pdf)

### **Resolution to extend expiration date until June 30, 2019 for Bill 10-17, Recordation Tax – Rates – Amendments**

The Council is scheduled to vote on a resolution to extend the expiration date until June 30, 2019 for Bill 10-17, Recordation Tax – Rates – Amendments. Councilmember Marc Elrich is the lead sponsor of Bill 10-17. Councilmember George Leventhal is a cosponsor. Bill 10-17 would modify the recordation tax rates levied under state law for certain transactions. The goal of this bill is to lower the premium rate for transactions that are less than \$1,000,000. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_4-5A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_4-5A.pdf)

### **Bill 6-18, Contracts – Labor Peace Agreements – Displaced Service Workers – Amendments**

The Council is scheduled to vote on Bill 6-18, Contracts – Labor Peace Agreements – Displaced Service Workers – Amendments. Councilmembers Marc Elrich and Tom Hucker are the lead sponsors. Councilmember Craig Rice and Council Vice President Nancy Navarro are cosponsors. The goal of this bill is to prevent potential interruptions of services for residents provided by County contractors. These services include security, janitorial, building maintenance, food preparation and some non-professional healthcare services. Bill 6-18 would amend the County procurement laws to require certain County contractors to enter into a labor peace agreement with a labor organization; establish minimum requirements

for a labor peace agreement; require certain County multi-term contracts to include a minimum price increase provision; and add certain workers performing services under a County residential solid waste collection contract to the County Displaced Service Workers Protection Act. The Government Operations and Fiscal Policy (GO) Committee recommends enactment with amendments. The recommended amendments can be found on pages 7-13 of the Council staff report. The Council staff report can be viewed at: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_5A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_5A.pdf)

#### **Bill 28-18, Boards, Committees, and Commissions – Amendments**

The Council is scheduled to vote on Bill 28-18, Boards, Committees, and Commissions – Amendments. Council President Hans Riemer is the lead sponsor, at the request of the County Executive. The goal of Bill 28-18 is to better align certain boards, committees and commissions with their core mission. The bill would reduce the membership of the Cable and Communications Advisory Committee from 15 members to nine members, increase the number of veteran representatives on the Commission on Veterans Affairs and remove the director of the Department of Economic Development from the Commission and change the name of the Committee on Hate/Violence to the Committee Against Hate Violence. The GO Committee recommends enactment. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_5B.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_5B.pdf)

#### **Bill 23-18, Fire Safety – Carbon Monoxide Alarm**

The Council is scheduled to vote on Bill 23-18, Fire Safety – Carbon Monoxide Alarm. The bill would require the owners of a single-unit, two-unit, and townhouse dwelling unit to install and maintain a carbon monoxide alarm. The goal of the bill is to improve public health and safety. The lead sponsor is Councilmember Craig Rice. Councilmember Marc Elrich is a cosponsor. The GO Committee recommends approval with enactment with amendments. The amendments, proposed by lead sponsor Councilmember Rice, would do the following:

- limit applicability of the section to single-unit, two-unit and townhouse units for which a building permit was issued before January 1, 2008 (State law already requires carbon monoxide detectors for newly constructed houses for which a building permit is issued on or after that date);
- move the proposed Section from Chapter 22 (Fire Safety Code) to Chapter 26 (Housing and Building Maintenance Standards); and
- make additional changes to harmonize the law with existing law and regulations.

The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_5C.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_5C.pdf)

#### **Expedited Bill 27-18, Taxation – Development Impact Tax for Transportation Improvements – Refunds – Credits – Amendments**

The Council is scheduled to vote on Expedited Bill 27-18, Taxation – Development Impact Tax for Transportation Improvements – Refunds – Credits – Amendments. The lead sponsor is Council President Hans Riemer, at the request of the County Executive. The bill would allow owners to receive credit against their impact tax liability to the extent of their financial investment at locations listed and improved in a Local Area Transportation Improvement Program (LATIP) or Unified Mobility Program (UMP) if the amount of investment exceeds their LATIP or UMP fees. The goal of Expedited Bill 27-18 is to increase the incentive for owners to implement transportation improvements concurrent with development activity instead of paying fees to the County for public implementation of the improvements. The GO Committee recommends enactment. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_5D.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_5D.pdf)

### **Resolution to adopt Bill 35-18, Health and Sanitation – Smoking – Outdoor Serving Areas as a Board of Health Regulation**

The Council is scheduled to vote on a resolution to adopt Bill 35-18, Health and Sanitation – Smoking – Outdoor Serving Areas as a Board of Health Regulation. See page 1 for more information. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_4C-6A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_4C-6A.pdf)

### **Resolution to approve 2017-2026 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan**

The Council is scheduled to vote on a resolution to the approve 2017-2026 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan. The Council reviewed the plan on February 27, March 6, March 20, April 17, and September 11, 2018. Council staff has worked with County Executive staff to finalize the Water and Sewerage Plan language to implement the policy recommendations preliminarily supported by the Council at its prior meetings and to clarify text (where possible, consistent with the Council's policy guidance) to address concerns raised in comments from Councilmembers and testimony received from the public. The Council staff recommends approval of the Ten-Year Plan Update with the text changes to the Executive's March 2017 Water and Sewer Plan Update noted on circle pages 8-35 of the Council staff report. Council staff also recommends revising the years in the title of the Ten-Year Plan to "2018-2027," consistent with the Council approval occurring in 2018. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_7.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_7.pdf)

### **Zoning Text Amendment 18-08, Site Plan Amendment – Solar Collection Systems**

At 10:30 the Council is scheduled to vote on Zoning Text Amendment (ZTA) 18-08, Site Plan Amendment – Solar Collection Systems. Councilmember Tom Hucker is the lead sponsor. Councilmember George Leventhal is a cosponsor. Under ZTA 18-08, a solar collection system on any pre-existing impervious surface would be allowed without amending a previously-approved site plan. As an accessory use, solar collection systems also could be allowed on sites with non-residential uses without a site plan amendment. In such circumstances, any minimum open space requirements must be retained, excluding the area used for the solar collection system. The Planning, Housing and Economic Development (PHED) Committee recommends approval. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_8A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_8A.pdf)

### **Zoning Text Amendment 18-09, Landscape Contractors – Rural Cluster Zone**

The Council is scheduled to vote on ZTA 18-09, Landscape Contractors – Rural Cluster Zone. The lead ZTA 18-09 would amend the definition of landscape contractors. Councilmembers Tom Hucker and Nancy Floreen are the lead sponsors. ZTA 18-09 also would allow landscape contractors existing before October 31, 2014 in the Rural Cluster Zone to be a permitted use under certain circumstances. Last year Councilmembers Hucker and Floreen asked the Planning Department to examine land uses and activities in the Burtonsville area. The planning director responded to that request on May 16. A master plan amendment was not recommended because the only logical outcome of such an amendment would be the reaffirmation of the existing zones. The director suggested that "a narrowly targeted zoning text amendment may be the only appropriate way to resolve inconsistencies among land uses along Sandy Spring Road." ZTA 18-09 responds to this recommendation. The PHED Committee recommends approval. Those expected to attend include: Pam Dunn, Chief, Functional Planning & Policy (FP&P), Maryland-National Park & Planning Commission (M-NCPPC); Greg Russ, Planner Coordinator, FP&P, M-NCPPC; and Ehsan Motazedi, Division Chief, DPS. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_8B.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_8B.pdf)

### **Zoning Text Amendment 18-10, Townhouse Living – Accessibility Tax Credit**

The Council is scheduled to vote on ZTA 18-10, Townhouse Living – Accessibility Tax Credit. Councilmember Craig Rice is the lead sponsor. ZTA 18-0 would allow a tax credit under Section 52-107

for a townhouse unit approved as a conditional use; and generally amend the standards for townhouses approved as a conditional use. The goal of ZTA 18-10 is to help make accessibility improvements more affordable. The PHED Committee recommends approval. Those expected to attend include: Pam Dunn, Chief, FP&P, M-NCPPC; Greg Russ, Planner Coordinator, FP&P, M-NCPPC; and Ehsan Motazed, Division Chief, DPS. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_8C.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_8C.pdf)

### **Zoning Text Amendment 18-03, Farm Alcohol Production – Standards**

The Council is scheduled to vote on ZTA 18-03, Farm Alcohol Production – Standards. Council President Hans Riemer and Councilmember Craig Rice are the lead sponsors. Councilmembers George Leventhal, Sidney Katz and Nancy Floreen are cosponsors. The goal of ZTA 18-03 is to allow breweries, cideries and distilleries located in the County's Agricultural Reserve to supplement their income by allowing additional sales activities. As introduced, ZTA 18-03 would incorporate many of the standards that were applicable to wineries and apply those standards and others to breweries, cideries and distilleries. In addition to the manufacture of alcoholic beverages, ZTA 18-03 would allow tasting rooms, the sale of food (to the extent allowed by the state manufacturing license) and up to nine events a year with 300 or more people. A larger number of events would be allowed only if the use is approved as a conditional use. The PHED Committee recommends approval with amendments. The amendments can be found on pages 1-3 of the Council staff report. Council staff recommends deferring action on ZTA 18-03 until receipt of the Planning Board study of agricultural tourism. The study was approved by the Council in the Department's work program. The Planning Department has not completed this work. Recommendations are expected by January 2019. Those expected to attend include: Gwen Wright, Director, Planning Department; Pam Dunn, Chief, Functional Planning and Policy, Planning Department; Greg Russ, Coordinator, Planning Department; Josh Penn, Coordinator, Planning Department; Richard Weaver, Chief, Area 3, Planning Department; Ehsan Motazed, Chief, DPS; and Mark Beall, Manager, DPS. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_8D.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_8D.pdf)

### **Resolution to consolidate previously authorized notes for sale and issuance as a single issue**

The Council is scheduled to vote on a resolution to consolidate previously authorized notes for sale and issuance as a single issue. At the request of the County Executive, the Council introduced Expedited Bill 29-18 and its companion resolution (see circle pages 1-9 of the Council staff report). The Council must act on both the bill and resolution to implement the FY19 Capital Improvements Program (CIP). The goal of the bill is to provide new, additional bond authorization equal to the approved appropriation level which will be financed from future bond issues and to remove some prior authorizations that are no longer required. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_14-15.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_14-15.pdf)

## **PUBLIC HEARINGS**

All public hearings will be held on October 2 at 1:30 p.m. unless otherwise indicated

### **Amendment to the FY19-24 Capital Improvements Program - Goldsboro Road Sidewalk and Bikeway**

The Council will hold a public hearing and is scheduled to vote on an amendment to the FY19-24 Capital Improvements Program - Goldsboro Road Sidewalk and Bikeway. The Council staff report can be viewed at: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_9.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_9.pdf)

### **Special appropriation to the County Government's FY19 Operating Budget, Department of Health and Human Services - \$70,799 for Behavioral Health and Crisis Services for Adult Drug Court**

The Council will hold a public hearing on a special appropriation to the County Government's FY19 Operating Budget, Department of Health and Human Services - \$70,799 for Behavioral Health and Crisis Services for Adult Drug Court. A joint Health and Human Services (HHS) and Public Safety (PS)



Committee meeting on the appropriation is tentatively scheduled for October 15. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_10.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_10.pdf)

### **FY20 Washington Suburban Sanitary Commission (WSSC) Spending Control Limits**

The Council will hold a public hearing on the FY20 Washington Suburban Sanitary Commission (WSSC) spending control limits. A Transportation, Infrastructure, Energy and Environment (T&E) Committee meeting is tentatively scheduled for October 21. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_11.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_11.pdf)

### **Amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: water and sewer category changes**

The Council will hold a public hearing on amendments to the 2017-2026 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan. See page 2 for more information. A T&E Committee meeting is tentatively scheduled for October 23. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_12-red.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_12-red.pdf)

### **Supplemental appropriation to the County Government's FY19 Operating Budget, Circuit Court - \$200,000 for Maryland Electronic Courts (MDEC) Data Migration and Testing**

The Council will hold a public hearing on a supplemental appropriation to the County Government's FY19 Operating Budget, Circuit Court - \$200,000 for Maryland Electronic Courts (MDEC) Data Migration and Testing. A PS Committee meeting is tentatively scheduled for October 4. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_13.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_13.pdf)

### **Expedited Bill 29-18, Bond Authorization**

The Council will hold a public hearing and is scheduled to vote on Expedited Bill 29-18, Bond Authorization. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002\\_14-15.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_14-15.pdf)

## **COMMITTEE**

### **ZTA 18-11, Telecommunications Towers - Approval Standards**

On October 1 at 9:30 a.m. the PHED Committee will meet to review ZTA 18-11, Telecommunications Towers – Approval Standards. ZTA 18-11 would, in part, allow the replacement of poles taller than 22 feet to be approved as a limited use and poles up to 22 feet to be approved as a conditional use. The goal of ZTA 18-11 is to ensure access to robust wireless broadband services by streamlining access to taller poles, while retaining a process to allow greater input for pole placement and visual appearance in residential areas. The lead sponsor is Council President Hans Riemer, at the request of the County Executive. The following individuals are expected to attend the meeting: Joy Nurmi, Special Assistant to the County Executive; Mitsuko Herrera, Project Manager, ultraMontgomery; Diane Schwartz-Jones, Director, Department of Permitting Services (DPS); Ehsan Motazed, Division Chief, DPS; Atiq Panjshiri, Manager, Right-of-Way Permitting, DPS; Pam Dunn, Chief, Functional Planning & Policy (FP & P), Maryland-National Park & Planning Commission (M-NCPPC); Greg Russ, Planner Coordinator, FP & P, M-NCPPC. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181001/20181001\\_PHED1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181001/20181001_PHED1.pdf)

### **Bicycle Master Plan**

On October 1 at 2 p.m. the T&E Committee will continue its review of the Bicycle Master Plan. The goals of the Bicycle Master Plan are to make the County a world-class bicycling community; to promote access

to a comfortable, safe and connected bicycle network; and to make bicycling a viable transportation option that improves the County's quality of life. The Planning Board draft of the plan can be viewed at: <http://montgomeryplanning.org/planning/functional-planning/bicycle-master-plan/2018-bicycle-master-plan-planning-board-draft/>

The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181001/20181001\\_TE2.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181001/20181001_TE2.pdf)

**Supplemental appropriation to the FY19 Operating Budget, \$200,000 for Maryland Electronic Courts (MDEC) Data Migration and Testing**

On October 4 at 9:30 a.m. the PS Committee will review a supplemental appropriation to the FY19 Operating Budget, \$200,000 for Maryland Electronic Courts (MDEC) Data Migration and Testing. The Council staff report will be available on October 2.

**Update: Office of Consumer Protection**

The PS Committee also will receive an update from the Office of Consumer Protection. The Council staff report will be available on October 2.